

The Gazette of India

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MINISTRY OF STEEL & HEAVY INDUSTRIES

(Department of Heavy Industries)

ORDER

New Delhi, the 1st May 1963

S.O. 1274.—Whereas it appears to the Central Government that it is necessary so to do for securing the equitable distribution and availability at fair prices of commercial vehicles;

Now, therefore, in exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following order, namely:—

1. Short title, extent and commencement.—(1) This order may be called the Commercial Vehicles (Distribution and Sale) Control Order, 1963.

(2) It extends to the whole of India.

(3) It shall come into force on the 1st day of May, 1963.

2. Definitions.—In this Order, unless the context otherwise requires,—

(a) “Controller” means a person appointed by the Central Government to be the Controller of Commercial Vehicles for the purposes of this Order;

(b) “dealer” means a dealer or sub-dealer in commercial vehicles, and includes an agent appointed by a manufacturer for the sale of commercial vehicles;

(c) “manufacturer” means a manufacturer specified in Schedule I;

(d) “commercial vehicle” means a motor vehicle of any description specified in Schedule I, manufactured or assembled in India, or manufactured in India from components imported into India or manufactured in India or partly imported and partly manufactured in India, and includes every such description of motor vehicle, whether called a truck chassis or bus chassis, or an auto-rickshaw or three-wheeler or four-wheeler or by any other name;

(e) “Register” means the register maintained by a dealer under this Order;

(f) “Schedule” means a Schedule to this Order.

3 Controller to fix the quotas.—The Controller may, from time to time, by order,—

- (a) fix quotas of commercial vehicles for meeting the requirements of the Government or of any public authority or of any class of persons having regard to the nature of their work or duties, or of specified regions in India and different quotas may be fixed for different purposes or for different descriptions of commercial vehicles,
- (b) direct a manufacturer to distribute the commercial vehicles manufactured by him for sale in such regions through such dealers, in such number and manner and at such times, as may be specified in the order

4 Distribution of commercial vehicles by manufacturers—No manufacturer shall after the commencement of this Order, sell or otherwise dispose of, or offer to sell or otherwise dispose of any description of commercial vehicles manufactured by him, whether manufactured before or after such commencement or whether in assembled or unassembled condition except in accordance with an order made by the Controller, under clause 3

5 Application for purchase of commercial vehicles—(1) Every person desirous of purchasing a commercial vehicle shall apply to a dealer in the form set out in Schedule II

(2) Every applicant shall also furnish, along with the application, a written guarantee from a bank undertaking to pay to the dealer at the time when the commercial vehicle is ready for delivery a sum of—

- (a) Rs. 2,000/-, in the case of a four-wheeler, or
- (b) Rs. 1,000/-, in the case of a Tempo Hanseat three-wheeler, or
- (c) Rs. 500/-, in the case of any other three-wheeler

Provided that in the case of a person whose name appears in the books of the dealer at the commencement of this Order as an applicant for the purchase of a commercial vehicle if he has not already furnished the necessary guarantee he shall within forty-five days of such commencement furnish such guarantee

Provided further that where the bank guarantee furnished by a person expires before the delivery of the commercial vehicle the guarantee may be renewed by that person within thirty days of the date of such expiry

6 Maintenance of register—(1) Every dealer shall maintain a register in which he shall register—

- (a) the names and other particulars of persons who have applied to him in the manner specified in clause 5 for the purchase of a commercial vehicle,
- (b) the names of persons appearing in the books of the dealer at the commencement of this Order

(2) The names shall be registered in the case of persons referred to in sub-clause (1)(a) in accordance with the date of the receipt of the application, and in the case of persons referred to in sub-clause (1) (b) in accordance with the date on which the name was entered in the books of the dealer

(3) The register shall be open for inspection during working hours by any member of the public and by such officers of the Central or a State Government as may be authorised by that Government by general or special order

7 Sale of commercial vehicles by dealer—Except where the sale of a commercial vehicle is to the Government or a public authority or a member of a class of persons for whom a special quota has been fixed no dealer shall after the commencement of this Order sell a commercial vehicle to any person whose name is not on the register maintained by him under clause 6 or otherwise than in the order in which the names are registered in that register

Provided that in the case of a person who had registered his name for the purchase of a commercial vehicle with one dealer and who after a period of not

less than one month from the date of such registration, has permanently transferred his business establishment or field of work to a place within the area of another dealer, the Controller or, in a State, an officer appointed for the purpose by the Government of that State may, by special permit in writing, authorise such other dealer to sell a commercial vehicle to such person at his turn established with the dealer with whom such person's name was originally registered:

Provided further that the Controller or, in a State an officer appointed for the purpose by the Government of that State, may after making such enquiries as he deems fit, authorise the dealer by permit in writing to sell the commercial vehicle—

- (a) if the person whose name has been registered in the register of the dealer is dead, to the heir of such person;
- (b) if it is a company and subsequent to the registration of its name in the register of the dealer:
 - (i) it has changed its name, in the name of the company so changed;
 - (ii) it has transferred the undertaking, property and liabilities to any other company as a result of amalgamation sanctioned by the court, in the name of the company to which the undertaking, property and liabilities have been transferred;
 - (iii) it is amalgamated as a result of the order of the Central Government made in that behalf, in the name of the company resulting from the amalgamation and specified in that order.

8. Restrictions on purchase of new commercial vehicle.—No person who has purchased a new commercial vehicle in any calendar year shall be permitted to purchase another new commercial vehicle in the same year, except under a permit in writing from the Controller or, in a State, an officer appointed for the purpose by the Government of that State:

Provided that in the case of a purchaser which is a company, association or other body of persons, whether incorporated or not, the Controller or, the officer so appointed by the Government of that State may, having regard to the nature of its business or its functions or any other relevant circumstances, by order in writing stating the reasons therefore, authorise the purchase in any calendar year of such number of new commercial vehicles, as he may fix.

9. Re-sale of commercial vehicles.—(1) No person shall before the expiry of two years from the date when the commercial vehicle was first purchased as a new commercial vehicle, whether so purchased by him or some one else and whether before or after the commencement of this Order, sell or offer to sell it or enter into any transaction involving the transfer of possession of the commercial vehicle to any other person except under and in accordance with the terms and conditions of the permit in writing from the Controller or, in a State the officer appointed for the purpose by the Government of that State.

(2) Nothing in sub-clause (1) shall apply to the sale of a commercial vehicle in pursuance of a term in a *bonafide* hire-purchase agreement providing for the sale of such commercial vehicle for contravention of any of the terms of such agreement.

(3) In granting or refusing a permit under sub-clause (1), the Controller or other officer shall have regard to the circumstances relating to the proposed transaction and to the purposes to be served by this Order.

10. Maintenance and production of books, accounts, etc.—(1) Every manufacturer and every dealer shall keep such books, accounts and records relating to the manufacture and distribution or, as the case may be, the sale of commercial vehicles as the Controller may prescribe.

(2) Every such book, account or record shall, when so required, be produced for inspection before the Controller or other authority specified by the Central Government in this behalf.

(3) Every manufacturer and every dealer shall furnish to the Controller such returns, in such manner and at such times as the Controller may specify.

11. Power to obtain information—The Controller or, in a State an officer appointed for the purpose by the Government of that State, who has reasons to believe that a new commercial vehicle has been sold or its possession has been transferred before the expiry of the period of two years referred to in sub-clause

(1) of clause 9 of this Order, may require the person who has so sold or transferred its possession, to furnish the particulars relating to such sale or transaction involving such transfer of possession as the Controller or the officer may deem fit, including the name of the person to whom the vehicle was so sold or its possession transferred.

SCHEDULE I

[See clause 2 (c) and (d)]

Name of Manufacturer	Description of commercial Vehicle
1. M/s. Hindustan Motors Ltd., 4, India Exchange Place, Calcutta.	Bedford.
2. M/s. Premier Automobiles Ltd., Construction House, Ballard Estate, Bombay.	Doge/Fargo
3. M/s. Tata Engg. & Locomotive Co. Ltd., Bombay House, 24, Bruce Street, Fort Bombay-1.	Tata-Mercedes-Benz.
4. M/s. Ashok-Leyland Ltd., Enoore, Madras	Leyland 'Comet'.
5. M/s. Mahindra & Mahindra Ltd., Gateway Building, Apollo Bunder, Bombay.	Willys Jeep trucks.
6. M/s. Bajaj Tempo Ltd., 134, Dr. Annie Beasant Road, Worli, Bombay-18.	Tempo 'Hanseat' Three-wheeler
7. M/s. Bajaj Auto Ltd., 134, Dr. Annie Beasant Road, Worli, Bombay-18.	Vespa three-wheeler.
8. M/s. Automobiles Products of India Ltd., Agra Road, Bhandup, Bombay-40.	Lambretta three-wheeler.

SCHEDULE II

[See clause 5(1)]

Application for the purchase of a commercial vehicle

To

(Name and address of the dealer)

Dear Sir,

I/We want to purchase a..... (Description of commercial vehicle).

2. Please book my/our order and let me/us know the registration number of the order and the price of commercial vehicle. I/We forward herewith a Bank Guarantee for Rs. 2,000 Rs. 1,000 Rs. 500 from (Name and address of the Bank).

3. The other requisite particulars are given below:—

- Full name and address of the applicant;
- Vocation of the applicant and normal place of business or residence;
- Whether the applicant pays income-tax;
- Purpose for which the vehicle is required;
- If the vehicle is required to be plied as a public carrier, the number and date of the permit obtained from the Transport authorities may be indicated; where no permit has already been obtained, the date of application for a permit and the route or area for which the permit has been sought may be stated;

- (f) If the vehicle is required to replace a vehicle already in use, the following particulars of the old vehicle should be furnished;

Make with Engine & chassis number	No. of years for which it has been in use	Registration No. and date	Permit No.
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- (g) Particulars of the commercial vehicles, if any, owned by the applicant during the two years preceding the date of the application in the following form:—

(A) *Vehicles still in possession.*

Registered No. of the vehicle	Make	Pay-load	Date of purchase
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(B) *Vehicles which have been sold during the last two years*

Registered No. of vehicle.	Make	Pay-load	Date of purchase	Date of sale	Name and address of party to whom the vehicle has been sold.
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- (h) Whether the applicant has registered for a commercial vehicle with any other dealer.

(if the answer is yes, the particulars of the order should be stated).

- (i) No. and date of Bank Guarantee;

- (j) Specifications of the commercial vehicle to be purchased;

- (k) What arrangements have been made for the payment of the price of the vehicle? If it is proposed to acquire it on hire-purchase basis, the name and address of the financier from whom it is proposed to get the necessary funds may be stated.

If it is intended to obtain a loan for the payment of price, the name and address of the creditor should be stated. It should also be clearly specified whether the vehicle will be mortgaged by way of security.

4. I/We also declare that, to the best of my/our knowledge and belief, the particulars given above are true.

Yours faithfully,

Signature of applicant.....

Date

[No. A. E. Ind. 1(90)/62.]

R. V. RAMAN, Jt. Secy.

ERRATA

In Ministry of Mines and Fuel, Notification No. C5-12(3)/63-I, dated 1st April, 1963, published in the Gazette of India Extraordinary, Part II—Section 3(ii), dated 1st April, 1963, as S.O. 945, the following corrections are to be made:—

Page 163,—

3rd line—

for "Selected Grade"

read "Selected Grade B"

8th line—

for " $40^{\circ}\text{C} + 2^{\circ}\text{C}$ "

read " $40^{\circ}\text{C} \pm \text{C}$ "

9th line—

for "60 per cent + 2 per cent"

read "60 per cent \pm 2 per cent"

under Note 4, 3rd line—

for the word "this"

read "This"

Page 164, Note I, below Table II, against 'Atmospheric Temperature'

for " $40^{\circ}\text{C} - 2^{\circ}\text{C}$ "

read " $40^{\circ}\text{C} \pm 2^{\circ}\text{C}$ ".